IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.178 of 2006.

IN

CRIMINAL APPEAL NO.346 OF 2005

Devendra S. Doctor. ... Applicant.

vs.

The State of Maharashtra .... Respondent

Mr.D.S.Doctor, the applicant in person.

Mrs.Mhatre, A.P.P. for the State.

CORAM: R.S.Mohite, J.

DATED: 16th February, 2006

P.C.:-

1. Heard both the sides.

Rule. By consent rule is made returnable forthwith.

2. The party in person has filed the appeal against the order passed by the Sessions Judge, Greater Bombay, dismissing the Criminal appeal no.346 of 2005 filed in the said Court. On perusal of

the impugned order, it is seen that no reasons whatsoever are given save and except observing that the Court was not convinced by the arguments of the appellant. In my view this cannot constitute a proper reason. In the circumstance, the aforesaid Criminal Appeal, which appears to have been filed by mistake, is allowed to be converted into a Writ Petition. As there is no application of mind, the petition is allowed. The impugned judgment and order passed by the Additional Sessions Judge, Greater Bombay dated 9.1.2006 is quashed and set aside. The matter is remanded to the Sessions Court for fresh decision after consideration of material on record and after hearing the parties afresh. With this direction, the petition stands disposed of finally. Amendment be carried out in four weeks.

(R.S.Mohite, J.)